

# House File 186 - Introduced

HOUSE FILE 186

BY SALMON

## A BILL FOR

1 An Act relating to ignition interlock devices installed in the  
2 motor vehicles of first-time operating-while-intoxicated  
3 offenders.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.2, subsection 3, paragraph d,  
2 subparagraph (1), Code 2015, is amended to read as follows:

3 (1) A defendant whose alcohol concentration is .08 or more  
4 but not more than .10 shall not be eligible for any temporary  
5 restricted license for at least thirty days if a test was  
6 obtained and an accident resulting in personal injury or  
7 property damage occurred. There shall be no such period of  
8 ineligibility if no such accident occurred. The department  
9 shall require the defendant to install an ignition interlock  
10 device of a type approved by the commissioner of public safety  
11 on all vehicles owned or operated by the defendant if the  
12 defendant seeks a temporary restricted license. ~~There shall be~~  
13 ~~no such period of ineligibility if no such accident occurred,~~  
14 ~~and the defendant shall not be required to install an ignition~~  
15 ~~interlock device.~~

16 Sec. 2. Section 321J.4, subsection 1, paragraph a, Code  
17 2015, is amended to read as follows:

18 a. A defendant whose alcohol concentration is .08 or more  
19 but not more than .10 shall not be eligible for any temporary  
20 restricted license for at least thirty days if a test was  
21 obtained and an accident resulting in personal injury or  
22 property damage occurred. There shall be no such period of  
23 ineligibility if no such accident occurred. The department  
24 shall require the defendant to install an ignition interlock  
25 device of a type approved by the commissioner of public safety  
26 on all vehicles owned or operated by the defendant if the  
27 defendant seeks a temporary restricted license. ~~There shall be~~  
28 ~~no such period of ineligibility if no such accident occurred,~~  
29 ~~and the defendant shall not be required to install an ignition~~  
30 ~~interlock device.~~

31 Sec. 3. Section 321J.4, subsection 3, paragraph a, Code  
32 2015, is amended to read as follows:

33 a. A defendant whose alcohol concentration is .08 or more  
34 but not more than .10 shall not be eligible for any temporary  
35 restricted license for at least thirty days if a test was

1 obtained and an accident resulting in personal injury or  
2 property damage occurred. There shall be no such period of  
3 ineligibility if no such accident occurred. The department  
4 shall require the defendant to install an ignition interlock  
5 device of a type approved by the commissioner of public safety  
6 on all vehicles owned or operated by the defendant if the  
7 defendant seeks a temporary restricted license. ~~There shall be~~  
8 ~~no such period of ineligibility if no such accident occurred,~~  
9 ~~and the defendant shall not be required to install an ignition~~  
10 ~~interlock device.~~

11 Sec. 4. Section 321J.4, subsection 8, paragraph a, Code  
12 2015, is amended to read as follows:

13 a. On a conviction for or as a condition of a deferred  
14 judgment for a violation of section 321J.2, the court ~~may~~ shall  
15 order the defendant to install ignition interlock devices  
16 of a type approved by the commissioner of public safety on  
17 all motor vehicles owned or operated by the defendant which,  
18 without tampering or the intervention of another person, would  
19 prevent the defendant from operating the motor vehicle with an  
20 alcohol concentration greater than a level set by rule of the  
21 commissioner of public safety.

22 Sec. 5. Section 321J.12, subsection 2, paragraph a, Code  
23 2015, is amended to read as follows:

24 a. A person whose driver's license or nonresident operating  
25 privileges have been revoked under subsection 1, paragraph "a",  
26 whose alcohol concentration is .08 or more but not more than  
27 .10 shall not be eligible for any temporary restricted license  
28 for at least thirty days after the effective date of the  
29 revocation if a test was obtained and an accident resulting in  
30 personal injury or property damage occurred. There shall be no  
31 such period of ineligibility if no such accident occurred. The  
32 department shall require the defendant to install an ignition  
33 interlock device of a type approved by the commissioner  
34 of public safety on all vehicles owned or operated by the  
35 defendant if the defendant seeks a temporary license. ~~There~~

1 ~~shall be no such period of ineligibility if no such accident~~  
2 ~~occurred, and the defendant shall not be required to install~~  
3 ~~an ignition interlock device.~~

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 Current law allows a first-time operating-while-intoxicated  
8 (OWI) offender to operate a motor vehicle with a temporary  
9 restricted driver's license, but without an ignition interlock  
10 device, where, during the offense, the offender's alcohol  
11 concentration was .10 or below and the offender did not cause  
12 an accident. This bill eliminates this provision.

13 The bill provides that a first-time OWI offender with  
14 a temporary restricted driver's license shall install an  
15 ignition interlock device in the offender's vehicle, whether  
16 the offender's driver's license revocation was the result of  
17 sentencing, deferred judgment, or administrative revocation,  
18 and regardless of the offender's alcohol concentration at the  
19 time of the offense.